



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,346	01/26/2001	Daithi Larkin	13841.016US1	6036

21186 7590 03/26/2004

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. BOX 2938  
MINNEAPOLIS, MN 55402

EXAMINER

KENNEDY, LESA M

ART UNIT	PAPER NUMBER
----------	--------------

2151

DATE MAILED: 03/26/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/771,346

Applicant(s)

LARKIN ET AL.

Examiner

Lesia Kennedy

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Remarks*

1. This action is responsive to the application filed on January 26, 2001. Claims 1-2 are pending examination. Claims 1-2 are directed towards a system and method for subscriber control of network resources.

2. The specification contains grammatical errors on:

- page 6, line 23
- page 12, line 4-6.

Appropriate correction is recommended.

### *Drawings*

3. The drawings are objected to because:

- The specification refers to items 100 and 110 (see pg. 4, line 28), which are not shown in Fig. 1.
- The specification refers to item 400 (see page 13, line 16), which is not shown in Fig.

4.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

*Specification*

4. The disclosure is objected to because of the following informality:
- The serial numbers for the related patent applications were not provided on pages 1 and 6.

Appropriate correction is required.

*Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chan et al. ("Customer Network Management and Control of Broadband VPN Services," Proc. IFIP/IEEE International Symposium on Integrated Network Management, May 1997, pp. 301-314) in view of Poisson et al. (U.S. Pub. No. 2003/0033401).

As to claim 1, Chan teaches a system comprising:

a service processing switch having a plurality of network resources (pg. 304, par. 2; pg. 302, par. 4; Chan discloses a CPN switch for accessing VPN services (network resources));

a service provider management server operable to configure the plurality of network resources, said configuration including an allocation of a subset of the network resources to a subscribing enterprise (pg. 304, par. 2-3; Chan discloses a VPN provider (service provider management server) that allocates a portion of available bandwidth (network resources) to each VPG (subscribing enterprise));

a subscriber management server communicably coupled to the service provider management system and operable to further configure the subset of the network resources (Fig. 3; pg. 306, par. 2; Chan discloses a VPN controller (subscriber management server) which communicates with a provider (service provider management system), and allocates bandwidth (network resources) to a VPG); and

a subscriber management client communicably coupled to the subscriber management server, said client operable to issue configuration requests to the subscriber management server (Fig. 3; pg. 306, par. 2; Chan discloses a VPG controller (subscriber management client) that interacts with the VPN controller (subscriber management server) to get additional bandwidth (configuration request) when needed).

Chan fails to teach the limitation of the service provider management server communicably coupled to the service processing switch.

However, Poisson teaches the limitation of a service provider management server communicably coupled to the service processing switch (par. 0031; Poisson discloses an ISP coupled to an extranet switch for a private network).

It would have obvious to one of ordinary skill in the art at the time of the invention to modify Chan in view of Poisson so as to have communication between the provider and VPG via a switch. One would be motivated to do so to enable a remote user to access resources on different networks in the VPG.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Chan et al. ("Customer Network Management and Control of Broadband VPN Services," Proc. IFIP/IEEE International Symposium on Integrated Network Management, May 1997, pp. 301-314).

As to claim 2, Chan teaches a method comprising:

allocating by a service provider a subset of network resources to a subscribing enterprise (pg. 304, par. 2-3; Chan discloses that a VPN provider allocates a portion of available bandwidth to each VPG (subscribing enterprise));

receiving by a subscriber management system a configuration request related to the subset of network resources from a user within the subscribing enterprise (pg. 304, par. 3; Chan

Art Unit: 2151

discloses that a VPN controller (subscriber management system) receives information on the need for more bandwidth in the VPG (subscribing enterprise));

forwarding the request to a service provider management server (pg. 306, par. 2; Chan discloses that the VPN controller requests more bandwidth from the provider (service provider management system); and

processing the request by the service provider management system (pg. 307, par. 2; Chan discloses that the VPN controller arranges for the bandwidth with the provider (service provider management system).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lesa Kennedy whose telephone number is (703) 305-8865. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Lesa Kennedy  
Art Unit 2151

*Andrew Caldwell*  
Andrew Caldwell